

REMARKS

Claims 32-35, 37, 39 and 41-46 are pending in this application, and all claims stand rejected. The applicants now amend claim 32 to incorporate therein most of the subject matter of claim 39 (as explained in more detail below), retain claims 33 and 34 unchanged, cancel claim 35, retain claim 37 unchanged, cancel claim 39 as redundant over claim 32 as now amended, retain claims 41-46 unchanged and add new claims 52 and 53 to give applicants the full scope of protection to which they consider themselves entitled. Claim 52 is based, *inter alia*, on Figure 5 of the drawings, which shows the visual indicator 72 present on one end surface (to the right as illustrated in Figure 5) of the cellular telephone, while claim 53 is similarly based, *inter alia*, on Figure 4, which shows the visual indicator 72 present on part (the upper part as illustrated) of the front surface of the cellular telephone.

No new matter is introduced by any of the foregoing amendments.

Applicants note that former claim 39 was rejected under 35 USC 112, first paragraph, but was not subject to any of the various 35 USC 103 rejections in the Office Action. Accordingly, claim 32 has been modified by incorporation therein of the limitations of claim 39, modified to overcome the 35 USC 112 rejection applied to claim 39. More specifically, claim 32 has been amended to specify that the visual indicator is present on the rear surface and the two opposed side surfaces of the cellular telephone. Certain language previously appearing in claim 32 has been deleted as superfluous in view of the more restrictive language now introduced into the claim. Since claim 32 as now amended is, in effect, equivalent to former claim 39 modified to overcome the 35 USC 112 rejection, it is allowable. Furthermore, since all of the other claims remaining in this application depend, directly or indirectly, from claim 32, they are allowable for the same reasons as claim 32.

For the reasons stated above, the various 35 USC 103 rejections in the Office Action, none of which were applied to claim 39, are moot.

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It is respectfully noted that in Paragraph 7 of the Office Action it is stated that applicants' arguments (in the previous Amendment) with respect to claims 32-35., 37, 39 and 41-46 have been considered but are moot in view of the new grounds of rejection; however, this Paragraph does not state whether the earlier rejections are withdrawn or whether they are maintained. Accordingly, unless all claims remaining in this application are now allowed, it is respectfully requested that the Examiner specifically state which rejections are being maintained and which are withdrawn, so that applicants (and possibly the Board of Patent Appeals and Interferences) can know the exact rejections outstanding against this application.

No additional claim fees are required in connection with this Amendment.

Since the normal period for responding to the Office Action expired October 25, 2005, there is filed herewith a Petition for a one-month extension of this period.

Respectfully submitted



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